5 Colored On Jury In Corporation Court

Journal-Guide

NORFOLK—For the first time within the memory of the present generation, including the judges of the local courts, that as many as five Negro jurors have been accepted to serve on a criminal court panel occurred here Wednesday when John Henry Mayo, colored, went on trial in Corporation Court Part II, before Judge Richard B. Spindle on a charge of grand larceny. Norfolk Va.

Of the twelve men on the jury seven were white and five were Negro. The Negroes were Jerry C. Anderson, 1047 Gault street; Leroy M. Davenport, 403 Craig street; George C. Ferebee, 980 Washington avenue, William Oliver Lomax, 871 Rugby street, and J. H. Owens, Booker T. Pharmacy, and 2429 Ludlow street. 1-19-46

The white jurors were: O. O. Anderson, Guy R. Beale, Graham A. Dalton, William Thomas, Daughtrey, A. H. Howell, R. Redwood Richards, and J. R. Jenkins, foreman.

FOUND GUILTY

Mayo was found guilty of attempted larceny and freed under a $50 fine. He was defended by Gen. William O. Shands, court-appointed attorney, and the prosecution was handled by H. Lawrence Bullock, assistant commonwealth's attorney.

On a panel of 20 vinermen summoned in the case, 11 were Negroes, which is considered an extremely odd circumstance in court circles. Several of this number rendered excuses to the court of their inability to serve on that particular day and time. Of the five colored men who exhibited a willingness to perform jury duty, neither Mr. Bullock nor Mr. Shands found any of them objectionable, therefore neither of the two lawyers exercised the privilege of making exemptory exceptions.

THE EVIDENCE

The case seemed to have boiled down to a question of the veracity of the lone prosecution witness, a white man, and that of the defendant. It was charged that on Dec. 2, Mayo stole from a motor truck belonging to the Jackson Transfer Company certain articles of household furnishings valued at $145. He with an unidentified man, was accosted in a lane in which the truck had been parked overnight by the driver, who on approaching the vehicle the following day discovered the articles of furniture stacked on the ground, and one piece resting on the tail board on the truck, which had been forcibly opened.

DENIES GUILT

The defendant denied any knowledge of how the furniture happened to be out of the truck and on the ground, declaring that he had merely entered the lane to answer a call of nature.

Evidence, however, showed that when confronted in the lane, he had not explained his alleged reasons for being there as he testified in court. While there was no question about the fact that the truck had been broken into and the furnishings removed, there was no direct testimony connecting Mayo with having committed the offense, yet the circumstanial evidence appeared to connect him with the attempted theft.

JUDGE SPINDLE

Commenting upon the case, Judge Spindle appeared not to regard anything remarkable about the fact that five of the jurors were Negroes. He admitted that it was the first time in his memory that a jury consisting of as many colored men had served on a panel in his court, but explained that he personally had found their reaction to being summoned or serving no different from that of a white man. 1-19-46

Judge Spindle, in a latter conversation with the Journal and Guide, said that his only objective was to see that justice was impartially administered, and that the matter of racial identity on the jury was no chief concern to him.

The jurist added, that in his opinion, according to the interracial trend in this city, there is quite likely that many more racially mixed juries will be serving in the Norfolk courts.

Mr. Bullock, talking with the Journal and Guide, stated, that, after all his chef interest is to present impartially the case of the comonwealth, which is his sworn duty, and whether Negroes or whites served on the jury was of no paramount concern to him. 1-19-46

Mr. Bullock later said, that after he had observed the individual Negroes chosen for the jury, he concluded that they were representative colored citizens and in his opinion, there should be no prejudical bar by the commonwealth against their performing jury service.

He added, but not for publication, that he was hoping to see the day when all men could outlive their prejudices.

Two Negroes On Grand Jury

Atlanta Daily World
Atlanta, Ga.

BIRMINGHAM, ALA., —(SNS)— Molton H. Gray, commander of the George Ruffin Post and James Glover, were serving this week on the Jefferson County Grand Jury organized by Circuit Judge John C. Morrow. 1-15-46

Gray has the distinction of serving in addition on the Federal Gran d Jury and on the petit jury.

Excluding Women From Juries Is Serious Procedure, According to Supreme Court

The Courier Pittsburgh, Pa.
Sat. 12-21-46

WASHINGTON —(ANP)— Due process of law was further interpreted here last week when Justice Douglas said the failure to include women might make a jury less representative of the community than would be true if an economic or racial group were excluded.' The opinion came as the result of a 5-4 decision by the U. S. Supreme Court in a case involving mail fraud convictions against two leaders of a religious sect.

The defendants complained that women were barred from both the Federal Grand Jury and the Trial Jury that handled the case in San Francisco. The Supreme Court threw out the convictions against the two leaders because of this exclusion.

Legal officers in Maryland are studying the case with much concern to determine its bearing on the Maryland law which bars women from jury duty.

It was not learned whether the court meant to include colored women in its ruling.

Woman Is Named To Grand Jury Duty

The Defender
Chicago, Ill.

ST. LOUIS—For the first time in history a Negro woman has been impaneled to serve on the Circuit Court grand jury here. Sat.

Mrs. Beatrice M. Grady, 4223 Enright ave., will serve with three other women jurors impaneled by Circuit Judge Robert L. Aronson for the December term of court.

Chairman of the jury is William S. Millius, and other women serving with Mrs. Grady are Mrs. Mollie Hudson, Mrs. Edna Meissner and Mrs. Lillian Messing. 11-14-46

Mixed Jury Hears White Litigation In Indiana Court

The Defender
Chicago, Ill.
Sat. 11-16-46

EVANSVILLE, Ind. — (ANP) —Four Negroes recently to hear an all-white court case. It was first time that Negroes have served with whites on a jury here in many years.

The situation grew out of a "struck" jury. When 40 persons were proposed indiscriminately, both sides in the litigation objected until 24 were stricken from the panel. When 12 were chosen from the remaining 16, four of them were Negroes.

Prospective Juror Hit by Judge for Anti-Negro Bias

The name of Carl Ratzel was called Friday as a prospective juror in Queens County Court.

Ratzel, a butcher, who lives at 104-55 127th St., Richmond Hill, stepped into the jury box.

Assistant District Attorney David L. Dugan, examining him, asked: "Would you be influenced because the defendant is a Negro?"

Said Ratzel: "Yes."

Somewhat taken aback, Dugan asked:

"You mean you couldn't sit as a juror and not be influenced by the fact that the defendant is a Negro?"

Replied Ratzel: "That's right."

Defense Attorney William H. Barr promptly challenged Ratzel for cause. From the bench Judge Peter T. Farrell dropped his judicial air long enough to say to Ratzel, severely:

"We don't want anybody who is prejudiced to serve on the jury. It is un-American. We must afford under the law equal rights to everyone. I excuse you from the jury."

Ratzel left, the jury selection went on, the trial began.

The defendant, John Hammond, a 23-year-old 6-footer, whose home is at 109-55 153rd St., Jamaica, was charged with first degree robbery, second degree grand larceny, first degree assault.

The complainant was slim, petite Mrs. Ellen Graf, 25, a striking brunette. She charged that just after midnight last Oct. 16 a man grabbed her outside her home at 147-18 Arlington Terrace, Jamaica, and got away with her purse, $10, and a fountain pen. She said a street light was near by and that she saw her assailant well enough to identify him as Hammond.

Hammond testified, and several other witnesses backed him up, that at the time he was in a tavern a mile away drinking beer.

The jury was out an hour. Hammond was acquitted.

Jury Right Upheld by Calif. Judge

By STAFF CORRESPONDENT

EUREKA, Calif.—The murder trial of Mrs. Rosie L. Hilliard, youthful mother, was stopped at the start last week when Superior Judge James M. Allen granted a defense motion to dismiss the jury panel because it contained no colored jurors.

District Attorney Charles E. Johnson, white, did not oppose the motion of the court-appointed defense attorney, M. E. Buffun, also white.

The motion was based on a decision by the U.S. Supreme Court that Constitutional rights of defendants require that members of their race should have proportionate chances for jury service.

Mrs. Hilliard is charged with the murder of her five-year-old son last October at Weed, Calif. She was arrested in Alton, Ill., last November.

Sheriff Ben J. Richardson, white, said the defendant confessed to placing the infant into an outdoor toilet from which the body was recovered.

Judge Allen ordered the trial continued to Apr. 9, to enable summoning of a new jury panel of 60 persons, selected "irrespective of racial origin."

"No colored have served on juries here for 40 years, and probably never in the history of the county," declared Attorney Johnson.

DUTY TO SERVE ON A JUYR

THE LAW requires all male citizens who are not exempt to serve on juries when called. Women are now eligible for this service. Teachers, city and state employees and professional people are the main groups not subject to call.

Jury service is an obligation every citizen owes the state and every citizen should discharge it when called upon. Canvassers are used here to select people whose names are placed in a wheel. The names are generally selected from industrial plants as those in charge believe such persons to constitute the largest number of qualified jurors. This method of selection is bad and should be changed.

The chief qualifications of a juror are: Citizenship, ability to read and write English, and ability to understand and speak the English language. If you have those qualifications and have never been called, you should write the jury commissioner in the Civil Courts Building at 12th and Market Streets and tell him of your desire to serve as a juror and discharge your duties as a citizen. Act promptly.

Unfortunately, some Negroes are called for jury duty and ask to be excused. The fight to get Negroes on jury panels here was too difficult for the opportunity to be rejected.

NAACP Lawyers File Pleas of Abatement

U. S. Grand Jury Convenes as People Swamp State With 5,000 Messages

NASHVILLE, Tenn.—Pleas of abatement were filed in Maury County Circuit Court last week by NAACP attorneys in behalf of 28 defendants in the recent riot cases here, raising the issue of the unconstitutional exclusion of colored residents from the State grand jury.

The attorney had filed pleas previously for four other defendants, (Mrs. Mary Stevenson, her son, James C., Jr., Meade Johnson, and Cal. Lockridge) all charged with assault, asking that the indictments be quashed. (An argument between a white radio repair man and the Stevenson's allegedly incited the bloody disturbance).

U.S. Jury Convenes

No date has been set for the State grand jury hearing and the trial. The Federal grand jury convened in Nashville on Monday, before which NAACP attorneys will present depositions from the defendants and other witnesses.

Thurgood Marshall, chief NAACP counsel, has pointed out that both Stevensons, father and son, are veterans of World War II. The elder Stevenson served 29 months overseas where he saw action in the Normandy landings and the Battle of the Bulge. His son, James C., Jr., 19, served three years overseas with the U.S. Navy.

Jury Bias Rapped

The pleas, signed by Mr. Marshall, Maurice Weaver, Chattanooga; and Z. Alexander Looby, Nashville; were based on the grounds that colored persons are barred systematically from jury service in Columbia.

The attorneys pointed out that the indicting State grand jury was composed entirely of whites who, generally are prejudiced against colored people in their opinions.

Nation Aroused

Federal Judge Elmer Davies summoned the Federal grand jury to convene in special session Monday to investigate possible violation of Federal civil rights during the disturbances.

His order followed in the wake of a directive from U.S. Attorney General Tom Clark who acted after receiving numerous messages urging an inquiry.

A secretary in Governor McCord's office estimated last Thursday that "about 5,000" messages had been received in Nashville.

Only 4 Whites Held

The original indictments returned by the Maury County grand jury last week made charges against 37 persons, four white, and 33 colored. However, only 18 of the 37 have been apprehended, the District Attorney's office advised.

At a meeting in New York, last Thursday, the NAACP Committee on the Columbia Riot voted to organize an executive committee to be appointed by Mrs. Eleanor Roosevelt and Dr. Channing H. Tobias, co-chairmen of the committee.

All organizations interested in the Columbia affair have agreed to work through the NAACP and to support the association in its fund-raising drive as well as the legal defense of the colored victims.

Funds Needed

Plans have also been made for a publicity campaign to rally public opinion behind the association in its fight to win justice for the defendants.

NAACP officials said that while contributions have been gratifying, more money is desperately needed.

Henry Luce, nationally known magazine publisher, Clarke Foreman, head of the Southern Conference for Human Welfare; Judge Hubert Delaney, New York City; Artie Shaw, orchestra leader; Jane White, actress; Roger Baldwin, head of the Civil Liberties Union; and Congressman Andrew Biemiller, are recent new members of the NAACP committee.

R. S. Damaoy, of Tuskegee Institute, served as a member of the jury for the Middle Alabama District Federal Court which was in session at Opelika last week. C. R. Williams, of Montgomery, was the other Negro member of the jury.

NEGRO EXCLUSION CHARGED

Grand Juries Closed to Them, Tennessee Defendants Say

COLUMBIA, Tenn., May 30 (AP)—Counsel for twenty-six defendants in the Columbia racial cases charged in circuit court today that Negroes had been systematically excluded from grand juries in Maury County for more than a half century.

The assertion was made by attorney Maurice Weaver of Chattanooga—one of four defense lawyers supplied by the National Association for the Advancement of Colored People—on a defense motion to set aside indictments against the Negroes.

Prosecutor Paul F. Bumpus in his formal answer to quash the indictments declared that the State would "join issue" with every material fact presented in the defense plea. The Columbia cases were the outgrowth of disorders here last February which resulted in deaths of two Negroes and wounding of more than a score of other persons.

Negroes sit on Missouri jury

COLUMBIA, Mo.—Boone county circuit court had its first Negro jurors last week as a special 30-man mixed panel was appointed to try Floyd Cochran, 34-year-old trash hauler, for the rape-murder here last Feb. 5 of attractive Marylou Jenkins, a recent college graduate.

The regular panel was thrown out by Judge William Dinwiddie after William H. Simpson, St. Louis lawyer representing the accused, declared it had no representation from the county's 6,000 Negro residents.

Civil Rights Group Raps Tennessee Jury Whitewash

The Civil Rights Congress yesterday denounced an "unconscionable whitewash" by the Federal Grand Jury in Nashville, Tenn., which investigated charges of violation of civil rights of Negro citizens in Columbia, Tennessee last Feb. 25.

It called for a new federal grand jury investigation in identical telegrams to President Truman and Attorney General Tom Clark. It urged appointment of a "federal prosecutor free from political regional alliances and ready to use the full evidence obtained by the Federal Bureau of investigation."

The Civil Rights Congress yesterday denounced an "unconscionable whitewash" by the Federal grand jury to issue any indictments will increase "the assaults against the rights of the Negro people by local law enforcement agencies, and encourage lawless activities of the Ku Klux Klan and other terrorist forces."

Thirty-one Negroes of Columbia are now on trial. Charges range from attempted murder in the first degree to carrying concealed weapons. Two other Negroes have been killed in the Columbia jail by officers of the law, growing out of a series of disorders on Feb. 25, 1946, which were sparked by a dispute between a white mercantile employee and a Negro woman and a Negro veteran son.

The wires were signed by George Marshall, chairman of the Congress.

The jury will begin Monday to hear testimony of witnesses in 30 felony cases scheduled to be presented to the body by State's Attorney Clifford N. Coolidge, who will seek indictments against 29 defendants.

First Negro On Jury In Fifty Years

BLOOMINGTON, Ill.—Napoleon Calimese, superintendent of the Washington Home for Colored Children here, has been chosen to serve on the Bloomington Grand Jury, becoming the first Negro so

Manly Negroes Called for Jur Service, Maury Sheriff Says

More inflammatory Literature Circulated

Columbia, Tenn., June 11—(Special) — Columbia was bombarded again over the week end with "truths" about itself when pamphlets, letters and bulletins making charges of "injustices and outrages" by local white people in the treatment of Negroes were received.

The pamphlet, "Terror in Tennessee," was written by Oliver Harrington, who has been questioned by the Federal Grand Jury in Nashville probing the Columbia case. The pamphlet is the same in most respects as that circulated several weeks ago by the "Committee of 100." In it are versions of the race disorders here in February which are considerably in variance with those given by local law enforcement officers. It is illustrated with pictures said to have been taken during and after the disturbances here.

The letter accompanying the pamphlet and dated June 4 is on stationery of "The National Committee for Justice in Columbia," and was signed by Eleanor Roosevelt and Channing H. Tobias, both of whom are listed as high officials in the organization. Walter White, head of the National Association for the Advancement of Colored People, is listed as secretary of the committee, which the letter says is working with NAACP on the local case.

Maurice Weaver, white Chattanooga attorney now engaged in the litigation which contests the validity of a grand jury indictment returned against 25 Negroes in connection with the disturbance here, was spotlighted in a NAACP bulletin, dated June, 1946, which was received by Dist. Atty. Gen. Paul Bumpus who is representing the State in the hearing of the pleas in abatement. Weaver inspired the headline, "Lynch Spirit Still Lives, Says Tennessee Attorney." The Bulletin said that a Freedom House audience recently was invited to hear Weaver and Z. Alexander Looby, Negro attorney from Nashville who is a member of the defense counsel here. Weaver is quoted as saying that "the lynch spirit still lives there; the Ku Klux Klan spirit is still part of the living fabric of that community."

Weaver and Looby are identified in the bulletin as investigators for the "Committee for Justice in Columbia, Tennessee," which is headed by Mrs. Roosevelt and Tobias.

By DANNY BINGHAM
(BANNER Staff Writer)

Columbia, Tenn., July 11— Sheriff J. J. Underwood this mor ng testified that "many" Negr been summoned for jury ... Maury County. His statement came after the deadlock in the pleas in abatement hearing which had dragged into the third week in Circuit Court was ended with the defense voluntarily calling a halt to its parade of Negroes to the witness stand.

Miss Debbney Anderson, Maury County Circuit Court clerk, when called by the defense, also testified that during her term of office she had seen at least one other Negro called for jury service, besides Tom Caruthers, local Negro school teacher. She said he, like Caruthers, was excused from service on his own request.

Sheriff Underwood said the Negroes he had seen summoned had likewise been excused on their own requests.

The sheriff was called to the stand by the defense as an adverse witness and was to be recalled later in the day, Thurgood Marshall, New York City Negro attorney who is general counsel for the National Association for the Advancement of Colored People, told the court.

Stipulations

Under the terms of agreed stipulations, the defense ceased calling "every qualified Negro in Maury County" to testify along virtually the same lines as 217 others, and moved into the next phase of its attack upon the validity of the grand jury indictment returned against 25 Negroes in connection with the race disorders here in February.

The terms of the agreement ar that the State stipulates that ther are numerous other Negroes in th county who could testify they ar qualified for jury service, hav never been summoned for jury serv ice, have never served on a jury and have not ever heard of an Negroes serving on a jury or bein called for jury service.

In return, the defense is to mak similar stipulations in regard t State witnesses when Dist. Atty Gen. Paul Bumpus opens his phas of the hearing.

Dr. L. A. Ransom, Negro attorney who is a member of the national legal staff for the NAACP has repeatedly told the court tha any evidence defense witnesse might give in the future in regar to the phase which produced th deadlock would be cumulative.

The defense has sought to prov that Negroes have been systemat cally excluded from jury servic in Maury County through the tes timony of local Negroes to th effect that they have never bee called or served on juries.

Bumpus asserted that the stipulations are harmless, stating "th State would have agreed to suc stipulations at the very outset o the case."

He added that the State wil call white people to the stand t testify they have never been calle for jury service, but declared "whe our case reaches the stage wher our evidence is cumulative, we wil invoke the stipulation."

The end of the deadlock came aft er the defense had bogged dow twice yesterday and once Friday i its attempts to produce witnesse Z. Alexander Looby, Nashville Ne gro attorney, explained at the tim that it had been impossible for th sheriff to serve all the summon the defense had called.

Meanwhile, Judge Joe M. Ingran was repeating his orders that th spectators in the courtroom remai as quiet as possible because of th noise produced by street sounds The spectators, two-thirds of whic have been Negroes throughout the hearing, have added to the nois by frequent outward expressions o satisfaction when it has appeare the defense has scored a point.

Although there is intense interes in the case, there has been no evidence of danger to anyone involved despite reports to the contrary.

Howard Dome of Chattanooga, employed as a stenographer by the defense to record the evidence in the hearing, was quoted by the press this morning as stating that Maurice Weaver, white Chattanooga attorney for the NAACP, was threatened by an unidentified white man in Chattanooga about a month ago.

Dome told newsmen this morning that he did not state that the threat had been directed at Weaver. "It was at me," he said.

"I was walking down the street in Chattanooga two or three days before this case started," he related this morning, "when a man came up behind me, tapped me on the shoulder, and said that I had better not go over to Columbia on this case. If I did, I would never leave there alive, the man said. Weaver's name wasn't mentioned."

The four defense attorneys, three of whom are Negroes, report they have received no threats since they have been in Columbia on this case.

NAACP Attorney Says Life Was Threatened

(By Associated Press)

Maurice Weaver of Chattanooga, attorney for the NAACP, said last night his life had been threatened if he participated in defense of 26 Negroes on trial in Columbia in connection with racial disturbances last February.

"Howard Dome, a court reporter," Weaver said, "who had been with me in Columbia taking statements in preparation for the trial, received the threat both to me and himself on the streets of Chattanooga.

"A stranger came up to him and said 'I've seen you over at Columbia. I'm warning you right now if you go back over there with Maurice Weaver it's a cinch he'll be killed. And you'll find yourself at the bottom of Duck River where we're going to put him."

Weaver said the incident occurred about a month ago—some two weeks before the hearing began. He characterized the matter as "just a typical Ku Klux Klan threat" with "plenty of profanity."

Dome, Weaver said, is serving as court reporter for the current hearing.

Negro Farmer Tells Off D. A. in Tenn. Trial

By Harry Raymond Daily Worker

COLUMBIA, Tenn., June 5.—A sharp verbal duel between the prosecutor and the 117th witness, Ernest Kinnard, gray-haired Negro farmer, highlighted the trial of 31 Negroes, which entered its second week. Kinnard came out on top by insisting he never knew or heard of Negroes serving on Columbia juries, refusing to be trapped into answering questions in a way that would whitewash the Jimcrow jury system. New York Times

"You don't mean to tell me no Negroes ever served on juries here?" The Prosecutor asked the farmer.

A—Yes, I mean to tell you that.

Q—You don't know everything?

A—There are lots of things I don't know, but I know Negroes don't serve on juries here.

The trial continues, with more defense witnesses called for tomorrow.

The parade of witnesses testifying began to appear almost endless.

Three Negro and one white attorney for the defense charging the defendants were illegally indicted on "attempt to murder" charges—have already questioned more than 140 witnesses to prove their point.

Today more than 30 Negro tax payers of this semi-rural community testified under oath they had never heard of Negroes serving on juries here.

Alexander Looby, chief counsel for defense, and his three associates will seek reversal of the indictment on the basis of jury discrimination. The scores of witnesses heard represent a scientific cross section of the Negro population of this town and county. Their observation of failure over the years of local officials to pick mixed white and Negro juries is as scientifically accurate as any honest public opinion poll could be.

Efforts of Prosecutor Paul F. Bumpus to prove there is no Jimcrow are this time futile and ridiculous.

The famous Dr. Sweet case, tried and won by Clarence Darrow in Detroit before Judge Frank Murphy in the late 1920's holds much precedent for this trial.

Dr. Sweet, a Negro, and eleven other defendants, were freed after they shot and killed a white man when a mob threatened the Sweet home. This case has many similar aspects to the Sweet case. Here 31 Negroes are accused as attempting to commit murder. Like Sweet and his friends they are accused of firing shots at a mob bent on lynching a Negro veteran and his mother last February. Five white policemen were wounded.

There is optimism here among the defendants and in the big Negro community. Through this trial the suppressed and segregated Negroes are fighting the greatest battle of their lives.

Columbia Defense Told 'Crow Probe Must Stop

COLUMBIA, Tenn. — (ANP) — Judge Joe M. Ingram, presiding over the trial of the 31 Columbia Negro defendants, told Leon Ransom last week that inquiry into local jimcrow jury practices must end some time.

"We'll know our stopping point," Ransom, NAACP counsel, replied. He had just concluded questioning the 186th witness, 62-year-old Clarence Bell, who testified, as had his predecessors, that no qualified Negroes served on a jury here in 50 years.

Asked when the end of the questioning would come, Ransom told the court:

"That will be when we have call ed the last Negro over 21 years old in the county."

Ransom told the judge that the hearing, which has been deadlocked for two weeks, could continue with dispatch if the state would stipulate the fact that no Negroes have served on juries here prior to a police mob assault on the Mink Slide section of Columbia on February 25.

TO STAY LONG TIME

District Attorney Paul F. Bumpus, chief defense counsel, told the court there were 3,000 Negroes in Maury county said he had never heard of a Negro on a jury, although he had been called last week for jury service.

One of the witnesses called last week was Dan Legs, property owner. He declared he had never heard of a Negro serving on a jury here. Asked by the prosecutor if he could do so to stay as long as they do," the courthouse then expect the state to call white people who have not been called visited the building only to pay taxes.

"Now," said Judge Ingram, "if we continue for days hearing testimony of persons of color we may as well plan to stay as long as we can."

Another witness, Joe Worley, 73, said that he had never served on a jury, although he had lived in that section all of his life

30 1946

No Negroes Served on Juries, Tenn. Sheriff Admits at Trial

By Harry Raymond Daily Worker

COLUMBIA, Tenn., June 11.—Maury County Sheriff J. J. Underwood strengthened the case of the Columbia Negroes, fighting to outlaw an all-white Grand Jury indictment for "attempt to murder," by nervously blurting out on the witness stand this morning that he never saw a Negro serve on a local jury.

Attorneys for the National Association of Advancement of Colored People called their last witness in their plea of abatement. The State's Attorney, after conceding the defense could put on the stand numerous more witnesses who had never heard of Negroes on juries, was given a day's recess to prepare his evidence. Wed. 6-12-46

Thurgood Marshall, defense attorney, called the Sheriff to the stand as an "adverse witness". After admitting he never saw a Negro on a jury during his term of office, the Sheriff was questioned by Marshall if any Negroes were ever summoned for such service. "Yes," said the Sheriff, "several."

Q. Name one of them?
A. I can't do that.
Q. When were they summoned?
A. When I was deputy sheriff.
Q. How many Negroes were summoned?
A. Three or more.
Q. Can't you name them?
A. No.
Q. Where do they live?
A. In Mt. Pleasant. I may get the information about them later today. N. Y.
Q. Where will you get it?
A. From a man in the phosphate plant.
Q. Who is the man?
A. I don't know.

Another witness, Miss Dabney Anderson, County Clerk, testified Negroes had been called for jury service but said she never saw one serve. The defense is prepared to ask the Court to squash the indictment on the basis of testimony presented during two weeks of the hearing.

One defendant, Tommy Baxter, died and his case was stricken from the indictment today.

Uncovering Tennessee Democracy

The Courier Pittsburgh, Pa. Sat. 6-22-46

The investigation of the Columbia (Tenn.) terror has uncovered the whole system of lily-whitism in the jury system which in so many parts of the South (and in some parts of the North) makes democracy a mockery.

It seems that is far back as anyone can remember around Maury County, Tenn., a qualified Negro has never been called for jury service, although there are numerous Negroes in the county so qualified.

It seems that as far back as anyone can remember around does not exist in that locality to have Negroes serve on juries, there is little likelihood that the "riot" victims can get anything approaching a fair trial.

Now the attorneys for the thirty-one indicted Negroes are asking for a change of venue from Maury County to some other part of the State, but how much better are the other counties of Tennessee than Maury County?

Here and there we hear of a Negro's serving on Southern juries, but it is not the rule, and some of the blame attaches to Negroes, themselves, for not more often making an issue of it, since the law is clearly on their side.

If there is a county in the United States where Negroes reside and those qualified for jury service are not periodically called, they are to blame if this situation continues to prevail.

But it is not only in the South that Negroes are not periodically called for jury service—they are often overlooked elsewhere, and in localities where they are wont to boast about the freedom they enjoy.

Jury service is a right, not a privilege, a duty, not a racial racket.

All qualified citizens, regardless of color or religion, are entitled to sit in judgment and to be paid the sums appropriated for the exercise of this duty.

For too long all over America jury service has been regarded as a white privilege instead of a civic right.

Nor is this generalization invalidated by the few instances in which qualified Negroes are called for jury service in more liberal centers.

It is high time for Negroes to busy themselves doing something about equalizing jury service all over the country as they did about equalizing teachers' salaries.

Negro Serves On Robertson Grand Jury

Examiner Houston, Texas

HOUSTON.—For the first time in history, a Negro has been called to serve on the Robertson County jury commission. He is U. S. Morgan, principal of the Franklin, Texas colored school who served the morning of June 27. Sat. 6-29-46

Mr. Morgan has been principal of the school for four years and stated that he instructs his students to be law-abiding citizens by being "honest trustworthy and efficient in their work."

7-6-46

He commended President of the Informer papers, Carter Wesley, for his efforts in "trying to improve the condiiton of your people." and gives Mr. Wesley credit for getting some measure of results.

Texas

"Since you have been so active in promoting better welfare of Negroes, I wish to commend you because you are due much credit," Mr Morgan stated.

The Argus St. Louis, Mo.

Fri. 9-27-46

Mrs. Julia E. Scot 123 Vine Grove avenue, wa rst woman of her race eve rve on a trial jury in St. Lo . She was a member of the twelve jurors to sit in an automobile theft trial in Circuit Judge Robert Aronson's Court. The jury metted out a sentence of two years.

Mrs. Scott referred to the jury duty as an educational experience. She is a graduatte of Sumner High School and attended Stowe Teachers' College two years. Her husband is John Scott, city fireman. They have two sons and a daughter. Fri. 9-27-46

Mrs. Scott serves as chairman of Urban League Block Unit No. 61.

Negro Defendants Lose Jury-Choosing Attack

LAWRENCBBURG, Tenn., Sept. 12—(AP)—Attorneys for 25 Columbia, Tenn., Negroes facing charges of participating in a racial clash there last Feb. 25 lost out again Thursday in attempts to question methods used in the formation of a jury.

Circuit Judge Joe M. Ingram overruled a renewal of exceptions to the court-decreed procedure by which most of the questions are asked prospective jurors by the judge instead of State or defense attorneys. The ruling was made as a speed-up measure.

Only 10 jurors have been selected from more than 400 veniremen questioned during a month of proceedings.

Southern Mixed Jury Finds Negro Pickets Guilty

The Black Dispatch Oklahoma City, Okla.

WINSTON SALEM, N. C. — (ANP) — A mixed jury, containing five Negro jurors, found three labor pickets—one white and two Negroes—guilty of "resisting arrest" here last week. The incident grew out of a clash between pickets and police at the Piedmont Leaf Tobacco company last Aug. 23. Sat. 11-2-46

Earlier, a municipal court had and Roberson 10 months. A fourth sentenced Philip Koritz, white, to defendant, Miss Betty Keels Wilsix months in the county jail. Mar- liams, also colored, was found not garet DeGraffenreid and Calguilty upon her testimony that she Roberson had been given three and had asked the officers to let her eight months, respectively, by the stop and pick up the money that same court. she had dropped when one of them seized her.

Judge J. A. Rousseau, of the Forsyth County superior court, All three defendants filed notice however, increased the sentences of appeal, and their attorney askon each, giving Koritz 12 months, ed for a mistrial on the grounds Miss DeGraffenreid eight months, of errors during the trial.

The Black Dispatch

During the five-day trial the courtroom was packed, partly because of interest in the case and partly because a precedent had been shattered in the using of Negroes on the jury. Sat. 9-7-46

Jury Exclusion Charged In N.Y. Criminal Trial

Your Legal Status

The Afro-American Baltimore, Md.

FREEPORT, N. Y.—Echoes of a charge frequently made in the

JURY DUTY Sat. 11-16-46

While twenty-six States admit wome nto jury service, in only eleven of these is the service mandatory.

They are California, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Montana, New Jersey, Ohio, and Pennsylvania.

States in which a woman may be excused from jury duty upon her request are Arkansas, Delaware, District of Columbia, Kansas, Louisiana, Minnesota, Nevada, New ork, North Dakota, Oregon, Rhode Island, Utah, Washington and Wisconsin.

Mandatory in Connecticut

Connecticut makes jury duty for women mandatory, except those engaged in specified occupations, such as nursing, or caring for young children.

The 23 States in which women are not eligible for jury service are Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and Wyoming.

Negro Names To Be In Jury Box

SUPERIOR COURT NOL-PROSSES BUSTER THOMAS CASE ON LEGAL POINT

For the first time in its history Clinch County will have Negro names in the jury box next spring according to an order issued by Judge Wm. R. Smith at Clinch Superior Court the first of this week. Folks Huxford, local historian, said Tuesday there is no record of any Negro ever having served on a Clinch County jury.

The decision was made by the Court in pursuance of a Supreme Court ruling that a Negro cannot be legally tried for crimes unless the names of other Negroes are in the jury box. This does not necessarily mean, however, that the jury panel trying a Negro must have a Negro in it. Names of the jurors at each term of court are drawn from the jury box.

The point of law came Monday when Buster Thomas, Negro, had been charged with assault with intent to murder E. F. Wildes, who lives a few miles north of Homerville on RFD 1. H. B. (Hellbent) Edwards, Valdosta mayor and attorney, arose in open court and made a motion that the case be nol-prossed (dismissed) because of the absence of Negroes in the jury lists. While the open Court discussion was going on, the Grand Jury returned a bill of indictment against Thomas. Judge Smith had no alternative to non-prossing the case. At the same time he ordered the jury commissioner in revising the jury box before the next term of court to include the names of Negro citizens.—Clinch County News.

Brunswick, Ga.
The Courier

Jury Members All Negroes

Pittsburgh, Pa.
Sat. 10-26-46

BRUNSWICK, Ga.—(ANP) For a second time within a few weeks, Negroes here have been called into jury service. This time an all-Negro jury was chosen by the coroner for the purpose of investigating the slaying of James McGrimmon by an army man, Dan Stevens.

The jury, made up of local ministers, included the Revs. J. F. Mann, T. P. Martin, N. L. Lyde, Gerald Hamilton, A. O. Holmes and N. T. Tinsley. The jury ordered that Stevens be held under a murder charge. His case is scheduled to be heard early in January, 1947.

Three Negroes are now serving on the fall term of the Glynn Grand Jury.

N. C. Strikers Win Mixed Jury

Daily Worker New York, N.Y.
Thurs. 10-17-46

WINSTON-SALEM, N. C., Oct. 16.—Five Negroes and seven white men are hearing evidence here in the case against an international representative of CIO Food Tobacco and Agricultural Union and three Negro workers charged with disorderly conduct on a Piedmont Leaf House picketline.

At FTA attorneys' insistence, Judge J. A. Rousseau called a special jury panel of 25 including 10 Negroes to augment the regular panel.

The four were arrested last August after more than 3000 pickets, the majority of them Negroes stopped company officials from wheeling a bulldozing machine through the gates.

Panel Is Qualified — In Race Riot Trial

The Knoxville Journal
Knoxville, Tenn.

LAWRENCEBURG, Tenn., Aug. 14. (UP)—Circuit Judge Joe M. Ingram today overruled a defense motion to disqualify the entire special panel in the trial of 25 negroes indicted for the Columbia, Tenn., race riots last February.

Defense attorneys charged that "qualified negroes were barred from the jury list from which the panel was drawn," although the panel included 15 negroes. Thur. 8-15-46

Ingram did, however, sustain a defense motion to disqualify 25 regular jurors who had already been chosen to serve for the full term of court. They had been supplemented by a special panel of 400 extra jurors, from whom the trial jury will be chosen tomorrow.

Hearing Bares Custom To Bar Negro Jurors

Daily World Atlanta, Ga.
Fri. 12-6-46

By RUTH L. CORNELIUS

A hearing in Judge Edgar E Pomeroy's Superior Court Tuesday and Wednesday turned the spotlight on a sinister practice prevalent in Fulton County which prevents the Negro from enjoyment of his constitutional rights and denies him participation in government.

Judge Pomeroy Wednesday denied the writ of habeas corpus to C. Don Miller, attorney, who had entered it on behalf of George McKay under death sentence for the robbery-murder of Pete Vergiotis, liquor dealer, in December, 1944.

The writ was entered on the grounds that McKay was indicted by a grand jury on which no Negroes served and that no Negroes served on any jury that passed sentence on him.

According to Solicitor General E. E. Andrews this plea was the first of its kind to have been ever entered in the Fulton Superior Court and it is, as he calls it, a duplication of the plea entered in the Scottsboro case.

Judge Pomeroy heard evidence Tuesday and arguments were heard Wednesday.

The petition charged that the indictment was void as it was in violation of the 14th Amendment and that McKay had been illegally restrained and confined.

Attorney for the plaintiff, C. Don Miller, held that Negroes had been systematically and intentionally excluded because of race from Fulton grand jury at the time McKay was indicted. Further, the petition stated that McKay had been denied equal protection under the law because Negroes had been excluded from jury duty systematically and intentionally because of race.

Solicitor General Andrews held that there was no systematic and intentional exclusion of Negroes from service on the grand jury in Fulton County, although he was unable to show that Negroes had frequently served as grand jurors.

On Tuesday various officials of the county were called to the stand by counsel for the plaintiff and by the Solicitor General and his assistant.

OFFICIALS ON STAND

Among those called was Chairman Campbell of the Jury Commission who said on the stand that he could not recall that a Negro had served on the grand jury within the last three years.

J. W. Simmons, clerk of the Superior Court, and as such, secretary to the Jury Commission, said he was not sure that a Negro had served on the grand jury before 1943 during the 17 years he has been clerk. He did produce evidence that Alexander D. Hamilton, 120 Howell Street, NE, served in July-August term of the grand jury on the panel of which Morgan Blake was chairman.

On the stand, Solicitor Andrews was unable to name a Negro who served on the grand jury since he became solicitor general, however he said he did see a Negro on a panel during the time he was an assistant in the Solicitor General's office.

Mr. Campbell said names for petty and grand jury service were taken from the tax receipt books.

Mr. Miller called the Chief Auditor of the Tax Receivers' office to the stand. The auditor revealed that there were 84,774 white and 12,825 taxpayers in Fulton County for 1946.

Two deputy court clerks were called to the stand; one said he recalled that during his 17 years of service four Negroes had served on the grand jury.

SOLICITOR'S ARGUMENT

During the argument on Wednesday Solicitor General Andrews cited the Norris vs. State of Alabama case (Scottsboro case) and said that the Supreme Court decision there did not apply to this case because in the Alabama case an expection to the effect that Negroes were excluded from jury service was made at the outset and in the present case no exception was made until now, notwithstanding previous hearings.

His general conclusion was that the attack did not come at the right time and as a result, the plaintiff had waived right to make exception.

In his argument before the court Mr. Miller took the position that the judgment was void and could be attacked in any court at any time. He held that the habeas corpus writ was the only legal process that could be invoked in the case.

By way of summary, he said the indictment is void which automatically makes the verdict and sentence void. He based this reasoning on the fact that no Negroes served on the jury and that they were "arbitrarily, systematically, and intentionally" excluded from such service because of race. These facts, he stated, violated the 14th amendment and denied constitutional rights to George McKay.

He cited the Smith vs. Texas case.

Referring to the number of Negroes who have served as grand jurors within the last 17 years, he said, "No matter how many have been summoned only four have served within the last 17 years."

He contended that the method used to keep Negroes off grand juries was intentional and systematical.

He asked, "If they are not excluded because of color, then why are they excluded?"

"It is not by chance and not by mistake," he continued.

Mr. Miller pointed out that it was significant that a few Negroes served as grand jurors during 1931, 1932 and 1936, the time that hearings were heard in the Scottsboro case.

He held that under a system in which Negroes are systematically and intentionally excluded from grand jury service the 14th amendment is violated and an indictment or conviction returned by a jury so chosen is a denial of equal protection under the law.

"A jury should be a body truly representative of the people," declared Mr. Miller.

He pointed out that written law of a state is meaningless if practice does not comply with it. He said Georgia written law states that there should be equal rights but he said, the law is not carried out in the state.

Concluding he said, "It is inescapable that McKay has been denied constitutional rights."

In denying the writ Judge Pomeroy granted a 20-day supersedeas time for Attorney Miller to prepare a Bill of Exceptions for the Georgia Supreme Court.

McKay was indicted February 5, 1945.

He was scheduled to die in the electric chair Friday, December 6.

Under this ruling the sentence has been stayed.

23 Are Acquitted In Race Disorder

LAWRENCEBURG, Tenn., Oct 5—(AP)—Twenty-three of 25 Negroes charged with participating in a racial disturbance at nearby Columbia seven months ago were free today—acquitted by an all-white jury.

The jury, which deliberated an hour and 53 minutes before bringing in a verdict late yesterday afternoon, found two other defendants guilty of assaulting four Columbia policemen during the day and night of racial unrest last February.

Robert Gentry, 24-year-old barber shop porter, and John Kivens, 26, alone were convicted of assault with intent to murder and sentence at "not more than 21 years" in the penitentiary.

The verdicts climaxed a 14-day trial preceded by months of legal sparring by lawyers for the Association for the Advancement of Colored People and the pair, a pre-lowing the reading of the verdict by Circuit Judge Joe M. Ingram, counsel table, termed the verdict "a victory for Americanism."

The defendants were all smiles about it."

Defense Attorney L. A. Ransom of Washington, D. C., immediately announced he would ask—even the convicted pair—for a new trial for the Columbia policemen during the day Negro business block the night of February.

Two Convicted

They were convicted of attempt after Jury Foreman Robert Patterson handed it to him on a slip of paper.

Verdict Hailed

Another defense attorney, Maury L. Bumprice Weaver of Chattanooga, only pus said: "The jury returned its verdict after 21 white member at the defendants and I cannot complain about it."

District Attorney Paul F.

30 1946

Daily World Atlanta Ga.
Sun. 10-6-46

FIRST ALL NEGRO JURY — Twelve Negro jurors of Evansville, Indiana, who recently acquitted a Negro woman, Mrs. Alfreda Rooney, for stabbing her husband to death. The manslaughter trial was held in the circuit courtroom of Judge Nat H. Youngblood and marked the first time an all-Negro jury had served in Indiana. Back row, left to right, Minnie Gracy, Maurice Anderson, Solomon Stevenson, Robert Arnett, Anna Hildreth and E S. Higgins. Front row, Adolph D Cooper, George Clements, Charles Brown, Sarah Emage, Booker Polley and Jesse B. Bynum. — (ANP)

First All-Negro Jury Appointed In Indiana

Daily World Atlanta, Ga.
Sun. 10-6-46

EVANSVILLE, Ind.—(ANP) — A manslaughter case was decided here recently by the first all-Negro jury in the history of Vanderburgh county. Principals in the case were Negroes.

Deliberating 10 and one half hours, the four women and eight men arrived at a "not guilty" verdict in the case of Mrs. Alfreda Rooney,. who was charged with inflicting the stab wound that caused the death of her husband, William J., here sometime ago.

Circuit Court Judge Nat H. Youngblood gave two instructions to the jury before a verdict could be reached on the sixth ballot. The Rooney had been stabbed by his wife. Daily World

His life could have been saved, according to further testimony, had efforts been made to stop the flow of blood from the severed artery in the left leg. After a deadlock on the fifth ballot, they returned to the court room for additional instructions. The Rev. Charles G. Brown prayed for the jury's guidance. The next ballot was unanimously for acquittal. Atlanta, Ga.

Paul Weaver, defense counsel, told the jury before the trial that he had been severly criticized for permitting an all-colored jury. Atty Milford Miller was the prosecutor Otha M. Childers, Judge Young-blood's Negro bailiff, is credited with rounding up the 12 Negro men and women to serve on the first all-Negro jury in Vanderburgh county. The jury foreman was Maurice Anderson. Sun. 10-6-46 first ballot showed 8 to 4 for acquittal, with the minority holding steadfast for conviction on the ground that too many Negroes had "gotten off with little or no punishment" for wrong-doing.

The second, third and fourth ballot found the minority still demanding punishment. The majority attempted to show that the prosecution had failed to prove that the deceased had died from a wound inflicted in the heat of passion. Death had occurred, according to the coroner's testimony, from loss of blood one hour and a half after

Charlotte, N. C., Observer
December 22, 1946.

FIRST WOMEN AND NEGRO JURORS NAMED IN BURKE

MORGANTON, Dec. 21.—So far as county officials are able to determine, two new "firsts" for Burke county were recorded during the December term of superior court. Both came about as the result of a special venire of jurors ordered by Judge Hoyle Sink for the trial of a young man from Hickory charged with criminal assault on a Morganton woman.

Mrs. Beulah Hemphill and Mrs. Worth Giles, both residents of Glen Alpine, became the first women to be named for jury duty in Burke county since the adoption of a constitutional amendment making women eligible for jury duty in North Carolina.

The second "first" brought about by the superior court term occurred when Clarence Griffin was listed as a juror and became the first Negro ever to be paid as a juror in the county, or at least county officials believe, since reconstruction days..

Quits Jury In Murder Probe

The Defender Chicago, Ill.

Court Forgot Justice, Says St. Louis White

Sat. 10-26-46

By HOWARD B. WOODS
(Defender Staff Correspondent)

ST. LOUIS—Dropping like a bombshell in the midst of an already seething condition, Mrs. Henry F. Chadyeahe, prominent civic leader and wife of the former Democratic candidate for mayor, resigned last week from a grand jury that failed to vote a true bill in the "wanton slaying" last August 28 of a Negro veteran by an off-duty patrolman.

The grand jury investigation was called after the St. Louis branch of the National Association for the Advancement of Colored People demanded a probe in a resolution drafted at a mass meeting concerning the shooting.

William Howard, 31, was shot in the abdomen by Patrolman William J. Niggeman in an alley while the policeman was enroute to work. A coroner's jury returned a verdict of justifiable homicide, despite the testimony of several Negro witnesses who said Niggeman fired without provocation. According to Niggeman's testimony he fired when Howard approached "brandishing a knife."

Standing In Alley

It was revealed that Howard had been standing in the alley eating a piece of watermelon with a small penknife when the officer drove his private automobile into it. He shouted for Howard to move out of the way and then drove past him, stopping to ask why Howard did not move sooner. According to one witness, Howard started toward the car asking him what he had said, when Niggeman whipped out his gun from the seat beside him and fired. As Howard lay in the alley, he kept repeating, "Why did you shoot me? You shot me for nothing."

In resigning, Mrs. Chadeayne stated that there were others "who feel this way" about the case. "I felt the weight of the evidence and its value were ignored and that there was a miscarriage of justice. Mr. Niggeman has a fine record as an officer, but we were not judging him on that record. It was a specific charge.

"You know I am a southern Democrat. Anybody might think I had race prejudice, but I looked at this case objectively."

Mrs. Chadeayne said she hated to leave the grand jury but "I have to go to bed with my conscience at night."

Two strong editorials in the St. Louis Star-Times and Post-Dispatch, metropolitan dailies, lauded the juror for her stand, with the Post terming her move "courageous." The Post further pointed out that the "community is left with the strong feeling that the demands of justice have not been satisfied."

Charge Negroes Ignored

The Courier Pittsburgh, Pa.
Sat 6-8-46

On Juries

COLUMBIA, Tenn. — NAACP defense attorneys this week indicated that they may call "everyone of 10,000 Negroes in Maury County" in an effort to prove that colored citizens have been "systematically excluded" from juries here for more than fifty years.

Judge Ingram

As the hearing on defense efforts to quash indictments against twenty-five Negroes charged with participating in a race riot here in February rounded out its first week last Friday, NAACP attorneys summoned thirty-two new witnesses, bringing the total to 122.

BITTER FIGHT LOOMS

The hearing was opened Tuesday morning of last week in Maury County Circuit Court before Judge Joe M. Ingram and has been marked by numerous legal clashes and has produced indications that the case will be one of the most bitterly fought in the county's history. The trial may set the stage for an airing of the South's social structure.

Forty-eight witnesses were called to the stand during the two days of last week's hearings. All testified that they had never been called for jury service in Maury County and that they had never heard of another Negro serving on a jury here.

CHARGE DISCRIMINATION

The defense charges that the county grand jury which indicted the Negroes was made up entirely of white persons and that the jurors were discriminatory.

In announcing the intention of the defense to call every qualified Negro to the stand, Z. Alexander Looby, one of the four defense attorneys, declared: "This is just the beginning."

"COURTROOM FILIBUSTER"

District Attorney General Paul F. Bumpus accused defense attorneys of staging a "courtroom filibuster" and estimated that it would require two months to try the case.

He declared Friday that the defense was "straying too far afield" and declared:

"We don't want another monkey trial here in Tennessee and this office will not have one. This hearing is not for the purpose of taking up the history of the South."

The courtroom was crowded last week and two-thirds of the spectators were colored. A few feet from the courtroom in the two-story Maury County Courthouse is a balcony from which a Negro was lynched by a mob nineteen years ago. The Courier

The NAACP is determined to pursue its course in support of its motion for pleas of abatement, contending that the indictments returned against the all-white jury are invalid.

Bumpus has refused to admit that Negroes in the county have been qualified to serve on petit and grand juries and contends that exclusion of Negro jurors for more than fifty years is not racial prejudice. Pittsburgh, Pa.

The defense is taking for its precedence the Scottsboro cases and the Carter v. Texas case. Basis of the pleas is the "systematic exclusion of Negroes from grand

The defense lost the first two cases to be delayed for several years." Other defense attorneys besides Ingram denied a continuance of Looby and Marshall are L. A. Pan- ter died as a result of "a cold he caught in jail."

If the plea to quash the indictments is denied by Judge Ingram, Aiding defense counsel will file a motion for change of venue on the ground that it is impossible to get a fair trial of the men in Columbia. The defense also will file motions to have the men tried individually instead of en masse. Bumpus said he would seek new indictments if those now standing are quashed.

DEFENDANT DIES

Sat 6-1-46

DENIED AFTER DISTRICT ATTY. DIES

Pittsburgh, Pa.

GRAND JURY LOSES 2 ROUNDS

Two Negroes were fatally wounded in jail as a result of the riot. Negroes were beaten and their property damaged and several policemen were wounded. Trouble started after whites planned a lynching party after a colored woman and her son clashed with a white radio repairman in downtown Columbia.

Queer Legal Goings on Finds Defendants Free and Jury in Jail

LAWRENCEBURG, Tenn., Sept. 17 (UP).—There are queer legal goings on in this city that became the unwilling host for the trial of 25 negroes charged with inciting last winter's race riot in Columbia, Tenn.

For one thing, the defendants, who found friends to pay their bonds, have all been set free, while the jurors, who wish the trial would hurry and start, are all in jail.

That may sound funny, but it's not—especially to juror No. 1, W. E. Staggs, a 60-year-old farmer. Yesterday he rounded out an even month in the county calaboose.

Staggs was accepted for service on the 12-man jury panel August 16. That day he became the property of the state. Until the trial is concluded, he is not expected to speak to any outsider or be spoken to by one. Just to make sure he doesn't he resides at the county jail and is under constant guard. His fellow jurors are in the same boat—clink, pardon.

Each morning until last week, Staggs and his companions arose and ate a jailhouse breakfast (but probably not prison fare). Now, they are fed outside. For diversion, they may gaze from the barred windows out into the little city that has been home to most of them all their lives.

About 9 o'clock, the parade of the defendants starts into town from their farms and settlement houses. They come in old jalopies, in farm wagons and on foot and file into the county courthouse. Occasionally one of the rattletrap cars breaks down on the road and the judge, whose temper at this point is keen like a razor, either hands out a reprimand or imposes a fine.

All this is quite a show for the jailed jurors, most of whom are farmers and are wondering how things are out at the old homeplace.

Late Monday they heard with thanksgiving the news that at last the twelfth man for the twelfth man for the jury panel had been accepted by both sides. Howard Bandiford, a farmer, and Bill Wilburn, a sawmill operator, brought the news when they came to jail as the eleventh and twelfth men.

They are now awaiting selection of a thirteenth man. It's expected to be a long trial, and the officials don't want to risk not having a replacement if one of the regular jurors is incapacitated.

The court hopes to get things moving right along now, but its eagerness isn't nearly as fervent as it is among the jurors. After all, the court takes off its robes and goes home at night.

At first, the county recognized a state law that says a man's family may visit him when he is under custody for jury service, but a "no visitors" sign was hung out last week because so many people were wandering around the jail, they must have disturbing the more permanent strains, the jurors—who occupy quarters on the second floor of the jail over the cells—just sit and talk among themselves. They are getting bored.

There is one other diversion. Mail. They are allowed to receive any amount, but all of it is censored. This takes some of the fun out of reading it.

The barber, who makes a daily call, is a welcome visitor. He brings gossip from the shop downtown, but he must watch what he says because a guard stands close by always. His shaves are a treat, too, for most of the farmers are accustomed to shaving themselves.

One day last week, a doctor arrived, ordered the jurors to strip to the waist and gave all a physical examination. They were pronounced in good health.

About the time visits were halted, the county also decided the jail was no place for the jurors to eat their meals. Now they may be seen three times a day, filing to a cafe nearby under guard. They are also taken on guarded exercise walks about the town.

There is really no limit to the length of time a person in this predicament can be held in custody, but there is good reason to believe that in this case it may be several weeks longer.

The tenth juror selected was Frank Kerstines, a Catholic farmer, who went to jail September 11. Before he left home that morning, he kissed his wife and told her if he was accepted he would not be back.

"Don't write me or try to visit," he said. "Just wait."

Lawrenceburg tried to get out of having the trial here, but its petitions had little effect. The case first went to court in Columbia, scene of the racial disorders, but the defense won a change of venue on grounds that feeling against the negroes was strong so close to the scene of the incident.

The Negro and Civic Duty

Women become eligible for jury service in Missouri on July 1. Last week 300 women were called in St. Louis to take the aptitude tests for jury service required by law.

The service is optional, and nearly two-thirds of those called refused to serve. These were not compelled to give any reasons, but most of them did. They had jobs, or home duties or small children caused them to refuse to qualify.

But—and this is the point of this editorial—of the 25 Negro women summoned, nearly all of them chose to remain and take the tests.

This is characteristic of the new civic consciousness among Negroes. They want to serve as citizens and have a sincere desire to be of use to society. So far as we have observed them, they have manifested no aspiration toward racial supremacy. They just want to be good citizens.

We have noted in particular the conduct of Georgia Negroes with respect to their new-found right to vote in Georgia primaries. Apparently, they care nothing about political power. They seem to us to want to do the things that are right and just and for the good of the state.

They are interested in public affairs, yes; but without arrogance or insolence. On the contrary, they exhibit the humility of those who recognize their own limitations and want to make themselves worthy of a trust reposed.

White voters can learn a lot from them in the way of taking the duties of citizenship seriously. There is hope for democracy in the sober approach of the Negro citizen to its responsibilities.

Georgia has a great asset in its Negro citizens. It should encourage them. Their development into good citizens is as much for the advantage of white people as for their own. It is not good for Georgia as a whole for a third of its population to occupy a status somewhere between slavery and freedom.

And the main thing we can do now to encourage the Negro and help ourselves is to slap down the pinhead politicians who are running up and down the state yammering about white supremacy.

In a true democracy, there is no supremacy except that of worthiness, which is not dependent on the color of the cuticle.

Negro Crime

Atlanta, Ga.

Editor Constitution: I want to thank you for your editorial in yesterday morning's Constitution concerning the attitude of jurors in passing upon Negro murder cases. Constitution

During the 10 years that I have been connected with the Solicitor General's office I have frequently discussed with juries their verdict in such cases and I was amazed at the reason given for light verdicts. They invariably stated, "Oh, it was just another Negro killing."

Your splendid editorial is one of the finest ways to correct this fallacious attitude on the part of jurors. I know that it will be a great influence on future juries and I again want to thank you for same.

Thurs 8-22-46

E. E. ANDREWS,
Atlanta. Solicitor General.

Judge Rules No Negroes on Grand Juries In Nassau for Decade Not Proof of Bias

The Times
New York, N.Y. Fri. 12-27-46

Special to THE N

MINEOLA, L. I., Dec. 26—The fact that no Negro had served on a Nassau County grand jury in at least a decade was not proof of discrimination, Judge L. Barron Hill ruled in a decision filed in the county court here on Dec. 14, it was learned today.

Judge Hill made his ruling in denying a motion to dismiss a second-degree assault indictment against William J. Dessaure, Negro lay preacher of Freeport, L. I., who is accused of assaulting two policemen in Rockville Centre, L. I., last June. Mr. Dessaure's attorney, Stanley Faulkner of Great Neck, L. I., moved for a dismissal of the indictment last summer on the ground that Negroes were "systematically and intentionally excluded" from the jury that indicted the preacher.

The length of time in which no Negro has served on a Nassau grand jury is open to dispute. Mr. Faulkner contended in his motion that none has ever served. Assistant District Attorney Philip Huntington, who argued against dismissal of the indictment, had said that to his knowledge none had served on a grand jury since 1928, but that Negroes had served as trial jurors. In his ruling Judge Hill fixed the time at "ten years or so."

Judge Hill said:

"Certainly it could not be said to be a systematic and intentional exclusion of blacks where there is nothing to show any discrimination except the fact that over a period of ten years or so, no Negro has been selected for a grand jury, particularly in the light of the testimony of the commissioner of jurors giving in detail the method of preparation of the grand jury list, which is selected by the commissioner and the five judges."

Mr. Faulkner said he would appeal, "if necessary to the Supreme Court of the United States, the same as the Scottsboro case."

Negro Says Own Race Should Sit on Juries

BARTOW [AP] Henry Silas, Bartow Negro, said in Criminal Court here yesterday he believed members of his race would get "a little better" consideration if Negroes sat on juries.

He testified in proceedings after E. E. Calloway, a Lakeland attorney, had challenged the Polk County jury panel.

Silas, who attended Tuskegee Institute, said he knew of no specific discrimination against Negroes in selecting jury panels. He added that he believed most white juries were fair and impartial.

Southern Justice Again

Editor of The Times-Dispatch:

How you can praise "Southern justice" so much merely because in one incident the Negroes were acquitted is beyond my comprehension. This is one of the few incidents I have come across where such a thing has happened. Why do you state in your editorial that it was an admirable thing for the jury to do? Negroes are no different than whites. It was no more of an admirable act on their part than it would have been had the defendants been white.

I'd like you to take notice of the other article I have enclosed. Also note that it is from the Associated Press, and is not merely another prejudiced article written chiefly to please the gullible people of the South. That (the article) is typical of Southern justice, although it is very much contrary to what you state in your editorial. Furthermore, if the people of the South who hold political office or are connected with occupations in which they have to face American society were less pig-headed, a little more broadminded and a lot more tolerant, there would be much less need for editorials of such nature.

MELVIN L. SEGAL.

Richmond.

[Editor's note: The Associated Press article enclosed, which was published in The Times-Dispatch, tells of the acquittal of a South Carolina chief of police by a white jury in Federal court on charges of beating a Negro with a blackjack until he lost his eyesight. The police chief said the Negro was drunk and that he struck the Negro only once, in self-defense, as they struggled for the policeman's blackjack. This was denied by the Negro, but the jury evidently believed the officer.]

Barring Women Jurors Quite A Serious Matter

World
Birmingham, Ala.
Fri. 12-20-46

WASHINGTON — (ANP)—Due process of law was further interpreted here last week when Justice Douglas said the failure to include women might make a jury less representative of the community "than would be true if an economic or racial group were excluded." The opinion came as the result of a 5-4 decision by the U. S. Supreme Court in a case involving mail fraud convictions against two leaders of a religious sect.

The defendants complained that women were barred from both the federal grand jury and the trial jury that handled the case in San Francisco. The Supreme Court threw out the convictions against the two leaders because of this exclusion.

Legal officers in Maryland are studying the case with much concern to determine its bearing on jury duty. It was not learned whether the Maryland law which bars women from jury duty is meant to include colored

30 1946

On Lynch Jury

The Afro-American

Baltimore, Md.

ALFRED WOODFIN, 62-year-old Woodville, Ga., farmer, who is a member of the Federal Grand Jury now in session in Athens, Ga., investigating the lynching of four persons last July near Monroe, Ga. One other colored person and 21 whites are also on the jury. Sat. 12-14-46